

Notice of Intent (NOI) Instructions

For Authorization to Discharge Stormwater Runoff from Construction Activities
In accordance with the Kansas Water Pollution Control General Permit
Under the National Pollutant Discharge Elimination System

Who Must File an NOI

Owners or operators of construction activities which may disturb one or more acres or are part of a larger common plan of development or sale which may disturb a cumulative total of one or more acres must obtain authorization to discharge stormwater runoff from construction activities.

Owners or operators of construction activities which disturb less than one acre (<1.0 acre), and which are not part of larger common plan of development or sale, must have authorization to discharge stormwater runoff from construction activities under this general NPDES permit when KDHE believes the water quality impact warrants consideration or KDHE determines the construction activities constitute a significant pollution potential.

Construction activities associated with oil & gas exploration, production or transmission, the construction activities may be exempt under the Oil & Gas Exemption (see permit). However, if Authorization under the general permit is requested for these activities, a permit will be issued and enforced.

The owner or operator of a site that may have a discharge of stormwater runoff from construction activities must submit an **original signed NOI** and all required supporting documentation to obtain coverage under a Kansas Water Pollution Control general permit.

This general permit addresses water quality, not quantity or stormwater routing.

Where To Send an NOI Form

Send the NOI form and all required supporting documentation to the following address:

Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612 - 1367

The general NPDES permit, the NOI, copies of other relevant forms, reference material and guidance is available from the KDHE Stormwater Website: www.kdheks.gov/stormwater

A hard copy of the NOI form, the general NPDES permit, the general permit information packet, or other reference material or guidance may also be obtained by sending a written request to KDHE at the above address.

For additional information, contact KDHE at (785) 296-5545 or by e-mail at: stormwater@kdheks.gov

When to Send an NOI Form

Submit an NOI no later than 60 days prior to the start of construction activities, i.e., soil disturbing activities.

Owners or operators are encouraged to submit an NOI as soon as possible to avoid delaying construction. Discharge under the general permit for Stormwater Runoff from Construction Activities is not Authorized until KDHE indicates the date of Authorization on the

NOI form, assigns the Authorization permit numbers and issues the Authorization with the Secretary of KDHE's signature. KDHE anticipates authorizing most construction stormwater discharges within 60 days following receipt. However, delays may occur from incomplete submittals, inadequate erosion and sediment control plans, or KDHE office workload.

If coverage under the NPDES general permit is denied, an application for an individual Kansas Water Pollution Control permit will be required to obtain discharge Authorization. Individual permits require a minimum of 90 days for processing upon receipt of the individual Kansas Water Pollution Control permit application.

Section I Owner or Operator & Record Location Information

Identify the owner(s) or operator(s) that either individually or taken together have operational control over the site construction activities; and which have the day-to-day operational control of those activities at the site necessary to ensure compliance. Do not use a colloquial name.

For a typical commercial construction site, the owner or general contractor is the owner or operator. (See the definition.) For a typical residential development (subdivision), the owner or an authorized representative is the owner or operator.

Give the legal name of the company, firm, public organization, or any other entity that owns the site described in the NOI, or if the activity will be on a right of way, leased property, or easement, give the name responsible for the construction activities.

Enter the name and phone number of the person to contact regarding the indicated construction activities. The owner or operator and contact person need not be the same.

Provide the billing contact name and provide the billing address if different than the owner or operator mailing address.

Records regarding the permit must be kept at the project site or at a readily available location. If the records will not be located on the project site, provide the address where the records will be located.

Section II Site Information

A. LOCATION

Enter the project's official or legal name and physical location. Include the street address if known, indicate the city(nearest city to the project site), state, ZIP code and the county(s) where construction will occur.

B. LEGAL SITE DESCRIPTION

Indicate the section, township, and range (to the nearest quarter/quarter section; 40 acres) of the center of the site. Provide the Latitude and Longitude of the approximate center of the site of soil disturbance. A conversion program link is provided on the stormwater webpage at www.kdheks.gov/stormwater.

C. EXISTING CONDITIONS/USES

Indicate whether the site is located on Indian Country land. If the entire construction disturbance is located on Indian Country land, the owner or operator cannot be covered by KDHE under this NPDES general permit.

EPA is the permitting authority on Indian Country land. To request authorization to discharge stormwater runoff from construction activities on Indian Country land, the applicant must contact EPA.

For information on permitting and location of Indian Country land, contact the Bureau of Indian Affairs at (405) 247-6673 or the EPA Region VII Tribal Program at (913) 551-7381 or (913) 551-7069.

If the stormwater runoff from construction activities flows into a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., municipality name, county name, or the name of the responsible public body).

Indicate the river basin in which the project is located.

Provide the name of the first receiving water, stream, or lake. This may be obtained from the Kansas Surface Water Register, a United States Geological Survey (U.S.G.S.) topographic map or KDOT general highway map for the county where the project or discharge point is located.

The Kansas Surface Water Register, can be downloaded from the KDHE Stormwater Website: www.kdheks.gov/stormwater.

Indicate if there are any contaminated soils present on the site or if there is groundwater contamination located within 1000 feet of the site. If so, on separate paper explain in detail the locations, contaminants and concentrations.

Indicate if any contaminated soils will be disturbed or any contaminated groundwater will be pumped by the proposed construction activity? If so, on separate paper explain in detail the locations, contaminants and concentrations.

Identify any and all surface water intakes for public drinking water supplies within one half mile downstream of the discharge points.

Indicate if there are any known historic or archeological sites present within the site boundary or any historic structures located within 1000 feet of the project site. The Kansas Historical Society maintains a list of recorded sites or may recommend the project be surveyed for such sites by a professional archeologist.

The KSHS may be contacted at:

Kansas Historical Society (KSHS)
6425 SW 6th Avenue
Topeka, KS 66615 - 1099
(785) 272-8681, extension 240
e-mail: cultural_resources@kshs.org
website info: www.kshs.org/p/section-106-consultation/15543

Include documentation of coordination with KSHS with the NOI.

Indicate whether any threatened or endangered species are known or are likely to be present within the site boundary or within the receiving water body. Through Kansas Administrative Regulations (K.A.R.) 115-15-1 et seq. the Kansas Department of Wildlife, Parks and Tourism (KDWP), maintains a listing of threatened or endangered species and their critical habitats.

If threatened or endangered species are likely to be present at the site or within the receiving water body, then list the species and describe the location in relation to the site location. Contact the KDWP's Environmental Services Section for assistance.

KDWP may be contacted at:

Kansas Department of Wildlife, Parks and Tourism (KDWP)
Environmental Services Section
512 SE 25th Avenue
Pratt, KS 67124-8174
(620) 672-5911
e-mail: ess@ksoutdoors.com
website info: www.kdwpt.state.ks.us/news/Services/Environmental-reviews

Include documentation of coordination with KDWP with the NOI.

Indicate if there are any Critical Water Quality Management Areas (CWQMA) established in accordance with K.A.R. 28-16-70. (At the time of this general NPDES permit issuance there were no CWQMA established. The stormwater website at: www.kdheks.gov/stormwater includes the most current list should an area be established.); Exceptional State Waters (ESW); Special Aquatic Life Use Waters (SALU), or Outstanding National Resource Waters (ONRW), as listed in the Kansas Surface Water Register which are within ½ mile of the proposed construction project. A listing of these water bodies is maintained by KDHE in the Kansas Surface Water Register and is available on the stormwater website at www.kdheks.gov/stormwater.

Indicate if the project will impact the line or grade of a stream or if it will include dredge or fill of a potential jurisdictional water body or wetlands. If yes, include documentation of project site coordination with the U.S. Army Corps of Engineers (USACE) and The Kansas Dept. of Agriculture, Division of Water Resources (DWR).

The USACE may be contacted at:

Kansas (all except KC Metro): Kansas City Metro Area: *

U.S. Army Corps of Engineers Kansas State Regulatory Office 2710 NE Shady Creek Access Rd. El Dorado, KS 67042 (316) 322-8247 (316) 322-8259 (FAX)	U.S. Army Corps of Engineers Kansas City District 635 Federal Bldg. Rm 402 Kansas City, MO 64106 (816) 389-3990 (816) 389-2032 (FAX)
---	---

* Brown, Doniphan, Atchison, Jefferson, Leavenworth, Wyandotte, Douglas, Johnson, and Miami counties

The DWR water structures section may be contacted at:

Division of Water Resources
Kansas Department of Agriculture
Water Structures Program
109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283
(785) 296-2933
(785) 296-1176 (FAX)
Email: waterstructures@kda.ks.gov

D. PROJECT DESCRIPTION

Briefly describe the nature of the construction activity.

Indicate whether the entire soil disturbance within the common plan of development is included in this Notice of Intent (NOI) for coverage under the General Permit for Stormwater Runoff from Construction Activity and are included in the SWP2 Plan developed for the project site.

If not, describe the soil disturbing activities within the common plan of development that are not covered by the NOI form. Provide contact information, if available, for the other areas that are not covered by this NOI. Attach additional pages if needed.

Enter the project start date and the estimated completion date for the entire development plan. For phased construction projects with planned intervals of non-activity, do not show the end of a phase as a completion date. If the owner or operator submits a Notice of Termination (NOT) when a construction phase ends, the owner or operator of the construction site must submit a new NOI when construction resumes.

Estimate the area to be disturbed. Include access roads to be constructed, and adjacent or on-site material borrow areas and excess material storage areas, lot grading, and building construction areas.

Total area of the site includes area where soil will be disturbed and areas left undisturbed.

Where a common drainage area of ten or more acres is disturbed a sedimentation basin is required, if feasible. Attach design calculations including total drainage area and storage capacity for each proposed sediment basin.

If a sediment basin is not feasible, indicate why a sediment basin is not feasible and attach a description of a proposed alternative. Proposed alternatives must control erosion and sediment movement as effectively as a sedimentation basin.

E. Maps

Provide a general topographic map or maps of the area extending at least to one mile beyond the property boundaries of the site which clearly shows:

- The construction site, access roads, and the area(s) where soil will be disturbed;
- Existing area contour elevations;
- The location of each existing and proposed discharge point;
- Rivers, waterways, and drainage ditches, and the flow direction;
- Surface water intakes for public water supplies; and
- The map scale and a meridian arrow pointing north.

A 7½-minute series map as published by the U.S.G.S. (or a photocopy of the pertinent portions) or an equivalent scaled topographic map may be submitted. Maps for the State of Kansas may be obtained from the U.S.G.S. Office or Kansas Geological Survey Office listed below.

USGS National Center
12201 Sunrise Valley Drive
Reston, VA 20192, USA
Phone: 703-648-5953
www.usgs.gov/pubprod/maps.html

Kansas Geological Survey
1930 Constant Ave.
Lawrence, KS 66047-3726
Phone: 785-864-3965
KGS maps: www.kgs.ku.edu/Datasale/Maps/index.html

Other sources for maps are as follows:

Microsoft Research Maps: <http://msrmaps.com/>
Mytopo.com: www.mytopo.com/maps/

F. Erosion Control Plan And Best Management Practices

Provide a detailed site plan(s) showing the existing contours; proposed contours; structural and nonstructural control features; sedimentation basin(s), if any; and the location stormwater runoff leaves the construction site. Identify the areas where soil will be disturbed and stabilization practices that are expected to occur.

Briefly describe the controls and measures that will be implemented to control pollutants in stormwater runoff. Include a description of the BMPs (e.g., good housekeeping, limiting soil disturbance, inspection practices, temporary mulching, spill prevention, etc.) and sediment and erosion control measures (silt fences, wattles, rock outlet protection, sediment basins, etc.).

Also, describe the controls and measures that will be constructed as part of the project and left in place in order to control pollutants from the intended site use after construction is finished. Describe the local requirement, if any, for the permanent stormwater management feature.

Provide the name and license or certification number of the engineer, geologist, architect, landscape architect, or certified erosion and sediment control specialist under which the construction stormwater pollution prevention plan has been developed.

Section III Annual Fee

Enclose a check for the first year of the annual permit fee specified in K.A.R. 28-16-56 et seq. as amended. Make the check payable to "KDHE". Per K.A.R. 28-16-56, as amended, the current annual permit fee for this general permit is \$60. An annual bill will be sent to the contact person requesting a permit fee until such time as the permit holder submits a Notice of Termination (NOT).

Failure to pay the annual fee will result in termination of the construction stormwater discharge Authorization.

Section IV Owner or Operator Certifications

The owner or operator should read and ensure they understand the statements of this section before signing the NOI form. The NOI form must be signed by the project owner or operator. **The NOI with an original signature shall be submitted to KDHE.**

The Notice of Intent (NOI), the Notice of Termination (NOT), and the Notice of Transfer of Ownership (NOTO) must be signed by the permittee. All forms, reports, or other correspondence which must be submitted to KDHE as required by this general permit shall be signed and certified by the permittee or an authorized representative.

The Notice of Intent, all SWP2 plans, inspection reports and other information either submitted to KDHE, submitted to the operator of a municipal separate storm sewer system (MS4), or required to be maintained by the permittee under this general permit, shall be signed and certified by the permittee or an authorized representative.